

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LAVELL D. LOVE,
Petitioner,

v.

Case No. 11-CV-00790

JEFFREY PUGH, Warden,
Stanley Correctional Institution,
Respondent.

DECISION AND ORDER

Pro se petitioner Lavell Love filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that his state court conviction and sentence were imposed in violation of the Constitution. Petitioner was convicted in a Wisconsin court of second degree reckless homicide, while armed, and he is currently incarcerated at Stanley Correctional Institution. Before me now is respondent's motion to dismiss the petition as untimely.

Respondent filed the motion to dismiss on September 28, 2012. Petitioner had 45 days from this date to respond to the motion, but failed to meet that deadline. As a result, I issued an order on November 20, 2012 ordering petitioner to respond to the motion by December 14, 2012 and warning him that I would grant the motion to dismiss as unopposed if he failed to respond by this date. See Civil L.R. 7(d) (E.D. Wis. 2010) ("Failure to file a memorandum in opposition to a motion is sufficient cause for the Court to grant the motion."). Since petitioner has again failed to respond to the motion, I will grant it.

THEREFORE, IT IS ORDERED that respondent's motion to dismiss the petition [DOCKET #14] is **GRANTED**. The clerk shall enter final judgment dismissing this case.

Dated at Milwaukee, Wisconsin, this 28th day of December 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge